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Patent Docket P1216R1C1D5

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of  Ashkenazi et al.  Serial No.: 10/785,607  Filed: February 24, 2004  For: Compounds, Compositions and Methods For The Treatment of Diseases Characterized By A-33 Related Antigens	Group Art Unit: Unknown  Examiner: Unknown Customer No.: 09157  <b>CERTIFICATE OF MAILING</b> I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450, Arlington, VA 22313-1450 on  June 2, 2004  <u>P. Tobin</u> Patty Tobin
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**INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
P.O. Box 1450  
Arlington, VA 22313-1450

Sir:

Applicants submit herewith patents, publications or other information (listed on the attached revised Form PTO-1449) of which they are aware, which they believe may be material to the examination of this application and in respect of which there may be a duty to disclose in accordance with 37 CFR §1.56.

This Information Disclosure Statement is filed in accordance with the provisions of:

(x) **37 CFR §1.97(b)**

- within three months of the filing date of the application other than a continued prosecution application under 37 CFR §1.53(d); **or**
- within three months of the date of entry of the national stage of a PCT application as set forth in 37 CFR §1.491, **or**
- before the mailing of the first Office action on the merits; **or**
- before the mailing of the first Office action after the filing of a request for a continued examination under 37 CFR §1.114.

0 **37 CFR §1.97(c)**

- by the applicant after the period specified in 37 CFR §1.97(b), but prior to the mailing date of any of a final action under 37 CFR §1.113, or a notice of allowance under 37 CFR §1.311, or an action that otherwise closes prosecution in the application, and is accompanied by either the fee set forth in 37 CFR §1.17(p) **or** a statement as specified in 37 CFR §1.97(e), as checked below.

☐ **37 CFR §1.97(d)**

- after the period specified in CFR §1.97(c), and is accompanied by the fee set forth in 37 CFR §1.17(p) **and** a statement as specified in 37 CFR §1.97(e), as checked below.

(If either of boxes 37 CFR §1.97(c) or 37 CFR §1.97(d) is checked above, the following statement under 37 CFR §1.97(e) may need to be completed.)

- ☐ **37 CFR §1.97(e)** Each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this information disclosure statement.
- ☐ **37 CFR §1.704(d)** Each item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application and the communication was not received by any individual designated in §1.56(c) more than thirty days prior to the filing of this information disclosure statement. Therefore, in accordance with the provisions of 37 CFR §1.704(d), the filing of this information disclosure statement will not be considered a failure to engage in reasonable efforts to conclude prosecution under 37 CFR §1.704.
- ☐ The U.S. Patent and Trademark Office is hereby authorized to charge Deposit Account No. 07-0630 in the amount of \$180.00 to cover the cost of this Information Disclosure Statement under 37 CFR §1.17(p). Any deficiency or overpayment should be charged or credited to this deposit account.

A list of the patent(s) or publication(s) is set forth on the attached revised Form PTO-1449 (Modified). Those patent(s) or publication(s) which are marked with an asterisk (\*) in the attached PTO-1449 form are not supplied because they were previously cited by or submitted to the Office in a prior application Serial No. 09/953,499, filed September 14, 2001 and relied upon in this application for an earlier filing date under 35 USC §120.

☐ **BLAST results enclosed:**

The undersigned also wishes to bring to the attention of the Examiner BLAST results of computerized alignments of the against sequences contained in the nucleotide and protein databases. The BLAST results are provided in paper form and are identified as reference "Exhibit A BLAST Results A-1 - A-24" (nucleotide) and "Exhibit B BLAST Results B-1 - B-33" (protein) on the PTO Form 1449. Applicant requests that these references also be considered and that the Form 1449 be initialed to indicate the Examiner's consideration of

the references.

A concise explanation of relevance of the items listed on PTO-1449 is:

☒ (x) not given

☐ 0 given for each listed item

☐ 0 given for only non-English language listed item(s) (Required)

☐ 0 in the form of an English language copy of a Search Report from a foreign patent office, issued in a counterpart application, which refers to the relevant portions of the references.

In accordance with 37 CFR §1.97(g), the filing of this information disclosure statement shall not be construed as a representation that a search has been made.

In accordance with 37 CFR §1.97(h), the filing of this information disclosure statement shall not be construed to be an admission that the information cited in the statement is, or is considered to be, material to patentability as defined in 37 CFR § 1.56(b).


In the event that the Office determines a fee to be due where none is specifically authorized in this paper, the U.S. Patent and Trademark Office is hereby authorized to charge Deposit Account No. 07-0630 in the amount of \$180.00 to cover the cost of this Information Disclosure Statement under 37 CFR §1.17(p).

Respectfully submitted,

GENENTECH, INC.

Date: June 2, 2004

By:



Elizabeth M. Barnes, Ph.D.

Reg. No. 35,059

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FORM PTO-1449

U.S. Dept. of Commerce  
Patent and Trademark Office

Atty Docket No.

P1216R1C1D5

Serial No.

10/785,607

## LIST OF DISCLOSURES CITED BY APPLICANT

(Use several sheets if necessary)

Applicant

Ashkenazi et al.

Filing Date

24 Feb 2004

Group

## U.S. PATENT DOCUMENTS

Examiner Initials		Document Number	Date	Name	Class	Subclass	Filing Date
	* 1	4,579,827	01.04.86	Sakamoto et al.			
	* 2	5,650,295	22.07.97	Li et al.			
	* 3	6,022,708	08.02.00	de Sauvage et al.			26.02.98

## FOREIGN PATENT DOCUMENTS

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	* 5	317,050	24.05.89	EPO			
	* 6	WO 90/05537	31.05.90	PCT			
	* 7	WO 96/34943	07.11.96	PCT			
	* 8	WO 98/24897	11.06.98	PCT			
	* 9	WO 98/40483	17.09.98	PCT			
	* 10	WO 98/42739	01.10.98	PCT			
	* 11	WO 99/02561	21.01.99	PCT			

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	* 12	Alderson et al., "Molecular and Biological Characterization of Human 4-1BB and Its Ligand." <u>European Journal of Immunology</u> . 24(9):2219-2227 (Sep 1994)
	* 13	Altschul and Gish, "Local Alignment Statistics" <u>Methods in Enzymology</u> 266:460-480 (1996)
	* 14	Auffray et al., "H. sapiens partial cDNA sequence; clone c-0xd10. partial cDNA sequence; transcribed sequence fragment" (DATABASE EMBL - EMEST16 Accession No. F02373) (Jan 28, 1995)
	* 15	BLAST Results A-1 - A-3 (Dayhoff)
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	* 18	Chambers and Allison., "Co-Stimulation in T Cell Responses." <u>Current Opinion in Immunology</u> . 9(3):396-404 (Jun 1997)
	* 19	De Smet et al., "The Activation of Human Gene MAGE-1 in Tumor Cells is Correlated with Genome-Wide Demethylation." <u>Proc. Natl. Acad. Sci. USA</u> 93(14):7149-7153 (Jul 9, 1996)
	* 20	Finn and Lotze., "Introduction: Third Keystone Symposium on Cellular Immunology and the Immunotherapy of Cancer." <u>Journal of Immunotherapy</u> . 21(2):114-118 (Mar 1998)
	* 21	GBTRANS Database, Accession No. AF172398 (blast results) (Direct Submission Feb 26, 2001)
	* 22	GBTRANS Database, Accession No. AF191495 (blast results) (Direct Submission Oct 1, 1999)

Examiner

Date Considered

\*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

FORM PTO-1449		U.S. Dept. of Commerce Patent and Trademark Office		Atty Docket No. P1216R1C1D5	Serial No. 10/785,607
<b>LIST OF DISCLOSURES CITED BY APPLICANT</b> (Use several sheets if necessary)				Applicant Ashkenazi et al.	
				Filing Date 24 Feb 2004	Group
<b>OTHER DISCLOSURES (Including Author, Title, Date, Pertinent Pages, etc.)</b>					
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<b>OTHER DISCLOSURES (Including Author, Title, Date, Pertinent Pages, etc.)</b>					
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